

ESTABLISHED 1840.

MEMPHIS, TENN., WEDNESDAY, APRIL 21, 1875.

DR. D. S. JOHNSON'S
PRIVATE
Medical Dispensary,
No. 17 Jefferson Street,
Between Main and Front Rows.
Established in 1860.

A SPEC OF WAR.
By request of many lawyers we publish in full this morning the opinion of Judge Haskell in the sinking fund case, a synopsis of which we published yesterday.

This select committee has reported to the house of commons that the documents which appeared in the *Times* News, and which was charged were published without the consent of the proper authorities, appeared by permission.

The lower house of the Prussian diet has passed a bill abrogating those clauses of the constitution which allow an independent administration of ecclesiastical affairs, the unimpeded intercourse of religious bodies with their superiors and the freedom of clerical appointments.

We publish in another column, news from the other side of the Atlantic which, notwithstanding the assurances of Mr. Disraeli and Lord Derby to the contrary, we are constrained to believe intimates a menace of the peace of Europe by Bismarck. The synopsis of the second note from Germany to Belgium reads very much like those documents which Denmark and Austria, some years ago, received from the same source, and which proved the forerunners of war. The demand which Germany makes of Belgium cannot be conceded without a breach of the constitutional privileges of her citizens. If not conceded, war will ensue, and mayhap Belgium will disappear from the map of Europe.

The Durant (Miss.) Advertiser gives an account of one of the fiercest tornadoes that ever visited that section of country which passed almost centrally through the county, its course being up Black Creek Valley and a little north of east. It was fully a quarter of a mile wide, south of the "rake," but only about one hundred yards north of it, as indicated by the fallen timber on the different sides. For fully two miles, the bed of Black Creek is literally filled with the debris of this most terrific cyclone. There is no more, says the Advertiser, estimating the pecuniary damage that has been visited upon the people who resided along the track of the storm, but it must amount to a large sum indeed, as there are many places where a great deal of timber and fencing was destroyed that cannot be enumerated in the space of an ordinary newspaper article. However great the damage may be, the whole community has reason to congratulate themselves that amid all the devastation, so far as is known, not a human life was lost.

PERSONAL.
DR. WILLIAM MORROW, State Treasurer, is in the city on official business.

GENERAL IRA P. JONES, business manager of the *Nashville Union and American*, is visiting the city. He has been the recipient of much attention from his Memphis friends, who regret that his stay will not be longer than today.

MR. C. D. BEINKAMP, of the Crescent brewery, Aurora, Indiana, and Mr. John Burkart, foreman of that great enterprise, are visiting Mr. C. Quantel, of this city. These gentlemen deal extensively with Mr. Quantel, who is noted for his enterprise and ability in this line.

MR. W. M. RICHMOND, Miss Ella V. Crawford, of Sardis, Mississippi, were married in this city last Tuesday. Mr. Richmond is a well-known composer, and to him and his wife were joined in marriage a number of friends, who were one of the most brilliant and unusual marriages.

COLONEL McCLELLAN, of Sherman, Texas, who has been visiting the city, leaves for home today. He is engaged in the commission business at Sherman, and is interested in the establishment of a fast freight through line from Texas to the east, an enterprise which, if successful, would prove advantageous to Memphis. He expects his town to handle between forty and fifty thousand barrels of cotton next season, and is quite hopeful of the freight line being established.

THE "New Orleans Bulletin of Sunday" says: "It gives pain to record the death of Mrs. Polk, widow of the late Right Reverend Leonidas Polk, for many years the Episcopal Bishop of Louisiana. She was a lady of rare mental culture, of great force of character and refinement of feeling. Through her husband's modest and unpretending, there was no lady who surpassed her in intelligence, cultivation and heartiness. Her life had been a life of devotedness to the cause of a perfect woman. Her noble husband fully realized her worth, and always paid the highest respect to her judgment and attainments. The loss of Mrs. Polk will be severely felt in this city, where she was universally beloved and respected. Society has lost a most valued member, and her children a most devoted parent. The family have our sincere and heartfelt sympathy in their bereavement. The funeral will take place at St. Charles, Canal street, Monday morning at ten o'clock."

EDWARDS APPEAL.—The medical profession are accustomed to render to ministers of the gospel, whose whole time is given to the ministry, cheerful and gratuitous services which demand the public and grateful recognition. I desire, at this time, and in this way, to express my thanks to my family physician, Dr. W. B. Hodges, for his kind, delicate, unerring, and very skillful treatment of my son, during the last year, in his very critical condition. The mother of the child, a gun-shot wound. Dr. Hodges' treatment was not only satisfactory, but remarkably successful. He has given to other physicians his obligations, and for expressions of so much interest in my son's case, and especially to Dr. W. B. Hodges, who first reached him after the wound, and who made several visits afterwards, and in a neat, appropriate manner, know better than others the very large amount of purely benevolent service rendered to the community by the medical profession, and should honor them accordingly.

S. LANDRUM.
THE Perry (Ga.) *Home Journal* describes the golden wedding of General and Mrs. Eli Warren, parents of Mrs. Mary Ann Landrum, daughter of the Central Baptist church in this city. The *Home Journal* says: "Perhaps the largest and most pleasant reception that has ever been given in Perry was the fiftieth anniversary of the marriage of General and Mrs. Eli Warren for the wedding. The long and useful life of this couple, ever actuated by noble impulses, has brought them an exceptional number of ardent friends, and kind friends who have blessed them with children and grandchildren, of whom they may justly be proud. The guests began to call at three o'clock, and before the shadows of night had their sable curtains drawn several hundred had taken their seats. At five o'clock Judge S. D. Killen, next in seniority of the Perry bar, reading the delegation and in a neat, appropriate manner, presented the general with a beautiful and heavy gold-headed cane in token of the honor and esteem in which he is held by them."

THE SINKING FUND CASE.

Full Text of the Opinion of Judge Haskell, of the First Circuit Court.

Annexed we give the full text of Judge Haskell's opinion in the case of Branch & Co. vs. the Sinking Fund Commissioners:

OPINION.
Thomas Branch & Co. vs. the City of Memphis, et al., Sinking Fund Commissioners.

The petition for mandamus in this case, among other things, alleges that certain bonds of the city of Memphis, which, at maturity, were presented to the sinking fund commissioners for payment, and payment refused, and that the city, by its failure to pay the bonds, has thereby rendered itself liable to the payment of the same. The petition for mandamus in this case, among other things, alleges that certain bonds of the city of Memphis, which, at maturity, were presented to the sinking fund commissioners for payment, and payment refused, and that the city, by its failure to pay the bonds, has thereby rendered itself liable to the payment of the same.

In answer to the alternative writ issued from this court, the defendants return, first, that the bonds are not due, and second, that the city is not liable to pay them.

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if it were forcing them to levy a sinking fund tax. Much less is it interfering with their discretion when it orders the appropriation of the fund already collected to that "sinking" purpose for which the law allowed it to be provided, to-wit, "the retiring of the bonds as they mature," because in either case they have their discretion whatever. My conclusion on this branch of the case, therefore, is that it is the duty of the sinking fund commissioners to pay the bonds of the city as they mature out of the fund in their hands.

Another position taken in argument, which ought to have been noticed first, is that these relators have a complete and adequate remedy by other proceedings. A sufficient answer to this is that counsel failed to point out any other adequate or complete remedy. True, a court could order the relators to compel the city to levy a tax for the purpose of raising a fund to pay the bonds, but this would be a complete and adequate remedy, because there would be a question whether or not this general fund is not levied and appropriated, *pari passu*, with its collection to the necessary expenses of running the city government, and because there would be a question whether the "general purpose" tax could be appropriated to the special purpose of paying the bonds, and these questions would be left to the court, to the extent at least that they would only be entitled to the relief of the city to the extent of its obligations, which is not a complete and adequate remedy, if it is sufficient to show that this remedy, if it exists, is not a complete and adequate remedy.

See *Argar vs. Trustees*, 5 Vroom (N. J.), 310.

The present proceeding, then, is the only speedy and adequate remedy that issues from this court.

It is a special fund provided by law to pay the bonds of the city, and you must go against that, instead of the general fund. *Argar vs. Trustees*, 5 Vroom (N. J.), 310.

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there is more about Jim Fenton, and a new character is introduced; more of that exceedingly "Mysterious Island," by Jules Verne; an electro-mechanical romance, by Charles Burdard, that is original in several features, and will be especially appreciated by railroad and telegraph people; and another story by the young New Orleans story-writer, George W. Cable, who has a field all to himself, just now, and what is more to the purpose, the genius that enables him to seize its artistic features. By the way, what a delicious English he puts into the mouth of his "Creoles"! "N is for Nature," it is drama! "Some Old Letters" (these are genuine, by the by, and a later installment will be accompanied by facsimiles), and "Both Sides of the Shield," by Mrs. Davis, are the other prose contributions. The "Old Cabinet" has something about "English Criticism of American Poetry." "The Post's" "Mystery and Moot." A new department, entitled "The World's Work," takes the place of "Nature and Science," and "Etchings" give way to "Bricks-a-brack." A department on "Children's Books and Stories" is also introduced. Goods warranted.

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CHANCERY SALE

—OF—
A Brick Machine,
On Saturday, May 1, 1875.

No. 68.—John Reid vs. Lowe Emerson & Co.—In the Second Chancery Court of Shelby county, Tennessee.

By virtue of an order of sale made in this cause on the 20th of January, 1875, I will sell at public auction to the highest bidder, on the premises, No. 285 Union street, Memphis, Tennessee, on

Saturday, May 1, 1875,
at 12 o'clock, one Hotchkiss and Ross Patent Brick Machine.

Terms of sale cash.
N. D. STEWART, Clerk and Master.
By Geo. Mallory, D. C. and M.
James C. Foster, solicitor.

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CONSTIPATION

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